

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**COMMODITY FUTURES TRADING
COMMISSION,**

Plaintiff,

vs.

**TERRY MICHAEL SVEJDA, and
CENTURION CAPITAL MANAGEMENT,
INC.,**

Defendants.

8:21CV311

ORDER

This matter comes before the Court following a telephone conference held with counsel for the parties on February 1, 2024. Plaintiff requested the call to discuss its proposal regarding three of Plaintiff's trial witnesses that Defendants maintain were untimely disclosed: Amy Meyer, Kathleen Clapper, and Tanya Deininger.¹ Defendants have filed a motion in limine seeking an order preventing those individuals from testifying at trial due to their alleged untimely disclosure and prejudice to Defendants. ([Filing No. 151](#); [Filing No. 152](#)). Although Plaintiff disputes these witnesses were untimely disclosed, Plaintiff suggests that to cure any prejudice by the alleged untimely disclosure, the Court could reopen discovery for the limited purpose of providing Defendants with the opportunity to depose the three witnesses now that the trial has been continued to April 1, 2024. Plaintiff does not seek to depose these witnesses, and only intends to call them to testify at trial.

Defendants oppose Plaintiff's proposal, dispute Plaintiff's counsel's characterization of the facts, and objects to the undersigned magistrate judge's ruling on this issue, as the propriety of these witnesses' trial testimony is pending before Senior Judge Gerrard in Defendants' Motion in Limine ([Filing No. 151](#)). As stated on the record during the hearing, the undersigned magistrate judge provided Defendants with the choice to depose these three individuals by March 1, 2024, or to stand on their objections and arguments in their motion in limine. The cost of the depositions would be borne by Defendants.

¹ Plaintiff notes that if it is permitted to call Ms. Clapper as a witness at trial, it would not need to call Ms. Meyer.

IT IS SO ORDERED.

Dated this 1st day of February, 2024.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge